

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-04501-CAS-MAA Date: December 3, 2024

Title Kyron Lynn Aubery v. Matthew Allen et al.

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Cindy Delgado  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiff:  
N/A

Attorneys Present for Defendants:  
N/A

**Proceedings (In Chambers):      Order to Show Cause Why This Court Should Not  
Recommend Dismissal**

On September 13, 2024, the Court issued an Order Dismissing First Amended Complaint with Leave to Amend (“Order”). (Order, ECF No. 8.) The Court ordered Plaintiff to, no later than October 13, 2024, either: (1) file a Second Amended Complaint (“SAC”); (2) proceed with—and request that the Court reinstate—the First Amended Complaint; or (3) voluntarily dismiss the action. (*Id.* at 7–8.) The Court cautioned Plaintiff that **“failure to respond to th[e] Order may result in a recommendation that the lawsuit be dismissed without prejudice for failure to prosecute and/or failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See C.D. Cal. L.R. 41-1.”** (*Id.* at 9.)

To date, Plaintiff has not responded to the Order. Plaintiff is **ORDERED TO SHOW CAUSE** by **January 2, 2025** why the Court should not recommend that the case be dismissed for want of prosecution. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1. If Plaintiff files a SAC, a notice that he wishes to proceed with the First Amended Complaint, or a Notice of Dismissal (form attached to this order) on or before that date, this Order to Show Cause will be discharged, and no additional action need be taken.

**Plaintiff is advised that failure to comply with this order may result in a recommendation that the lawsuit be dismissed for failure to prosecute and/or comply with court orders. See Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1.**

It is so ordered.

Attachment

Notice of Dismissal